

# City of Detroit

## CITY COUNCIL

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**TO:** The Honorable City Council

**FROM:** David Whitaker, Director *DW*  
Pamela Osborne *PO*

**DATE:** March 8, 2006

**RE:** Special Events Traffic Management Ordinance Draft 2

This memorandum is the City Council Research and Analysis Division's (RAD's) status report on revising the drafted ordinance. RAD is continuing to meet with the Law and Police Departments' representative. Attached is a working draft two, which is based on the Saginaw ordinance on this subject. RAD asks that this working draft be shared and discussed with the stakeholders involved and any other Council staff members for further input, after which the Law Department can approve a final draft as to form.

Attachment

## SUMMARY

**AN ORDINANCE** to amend Chapter 50 of the 1984 Detroit City Code, *Streets, Sidewalks and other Public Places*, by adding Article X, *Special Events Traffic Management*, consisting of Sections 50-10-1 through 50-10-20, to provide definitions of “city”, “sponsor” and “special event”; conditions of use; responsibilities of the event sponsor; waiver of fees and insurance; insurance; liability insurance requirements; billings for special events; payment of fees; City of Detroit reservation of rights; sales and/or consumption of alcoholic beverages; cancellation of events; denial of future events; approval of events; use of city-owned parks and plazas; traffic control and safety requirements; vendor insurance and license requirements; two or more applications for the same event date; reservation of annual event dates; written confirmation of city approval; and severability,

1 **BY COUNCIL MEMBER JOANN WATSON:**

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3 *and other Public Places*, by adding Article X., *Special Events Traffic Management*, consisting of  
4 Sections 50-10-1 through 50-10-20, to provide definitions of “city”, “sponsor” and “special event  
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9 safety requirements; vendor insurance and license requirements; two or more applications for the  
10 same event date; reservation of annual event dates; written confirmation of city approval; and  
11 severability.

12 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

13 Section 1. Chapter 50 of 1984 Detroit City Code, *Streets, Sidewalks and other Public*  
14 *Places*, be amended by adding Article X, *Special Events Management*, consisting of Sections 50-  
15 10- \_\_ through 50-10- \_\_, to read as follows:

16 **ARTICLE X. SPECIAL EVENTS TRAFFIC MANAGEMENT**

17 **Sec. 50-1-1. Definitions**

18 For purposes of this Article, the following terms shall have the following meanings:

19 (a) “City,” shall mean the City of Detroit.

20 (b) “Sponsor,” any person, group or business who is responsible for, or has a property  
21 interest in a special event in the City of Detroit.

22 (c) “Special event,” a program or activity requiring authorized use of any City-own  
23 property including parks, streets, parking lots or select public facilities. Types of special events

1 include, but are not limited to, concerts, parades, festivals, athletic events, walk-a-thons, marches,  
2 and large group picnics, religious ceremonies in which the anticipated attendance is expected to be  
3 at least 12,000.

4 **Sec. 50-10-2 Conditions of Use.**

5 (A) Use of all City parks, streets, parking lots or public facilities for all special events shall  
6 comply with all rules, regulations and ordinances established by the City, and all existing laws of  
7 the State of Michigan and the United States.

8 (B) (1) All requests for use of City parks, streets, parking lots and other public facilities  
9 must be submitted to the Chief of Police.

10 (2) Specifically, the sponsor must complete a special events application form and submit it  
11 to the Chief of Police. All special events applications must be submitted no less than sixty (60)  
12 calendar days prior to the event. Submitting an application does not guarantee an event will be  
13 approved. Event dates are reserved on a first come, first served basis.

14 (C) All event applications must be completed and signed. Incomplete applications will be  
15 rejected.

16 (D) The person(s) signing the event application will be considered the official event  
17 representative. All requests related to the event must be authorized and communicated by the  
18 official event sponsor.

19 (E) If additional services are required after the event application has been submitted, the event  
20 representative must submit a written amendment to the Chief of Police detailing the changes.

1 **Sec. 50-10-3 Responsibilities of the event sponsor.**

2 (A) The event representative is responsible for all costs related to the event, including:  
3 established fees, facility rental charges, required insurance, permits and the cost of all services  
4 provided by the City.

5 (B) Events involving the use of tents and fireworks require that the event sponsor obtain  
6 permits from the City Clerk's Office. The City Fire Commissioner will perform a Fire and Life  
7 Safety Inspection on the day of the event. The event sponsor must pay a fee for the tent permit.

8 **Sec. 50-10-4 Waiver of fees and insurance.**

9 Fees and insurance will not be waived under any circumstances.

10 **Sec. 50-10-5 Insurance.**

11 (A) The Chief of Police and City Law Department will review the application and determine  
12 if insurance is required and the appropriate type and amount of insurance. The certificate of  
13 insurance must be submitted to the Chief of Police in advance of the event and within the time  
14 frame established by the Chief of Police. (See rate sheet)

15 (B) Events sponsored by the City are covered under the City's insurance policy. The event is  
16 subject to the self-insured retention of the deductible on the City's insurance policy, if any.

17 **Sec. 50-10-6 Liability insurance requirements.**

1 (A) In order to comply with the City's insurance liability carrier, or if self-insured, the City's  
2 liability limitations, the City may require that sponsor(s) of special events or commercial video or  
3 film crews carry liability insurance with coverage of at least \$500,000 except for Class 1 - Low  
4 Hazard events approved by the City Law Department. An event sponsor shall be required to  
5 provide a valid certificate of insurance naming the City of Detroit as an additional insured prior to  
6 the event. The City Corporation Council's office may require higher levels of insurance based on  
7 risk factors and past experience (i.e. fireworks).

8 (B) It shall be the policy of the City Law Department to not routinely require insurance  
9 coverage for events classified as Class 1 - Low Hazard. These would be events that include no  
10 physical activity by participants and no severe exposure to spectators. This waiver of the insurance  
11 requirement is meant to cover events that only involve passive participation by the public, and  
12 require no City services. All other events are required to provide insurance as outlined in this  
13 policy.

14 (C) The Police Department may place additional requirements on any event. These  
15 requirements may include specific staffing levels for police, fire, paramedic, municipal services or  
16 other personnel. Expenses for these requirements will be billed to the sponsoring organization  
17 under the terms of this chapter.

18 (D) The Law Department will review each special event application received and assess the  
19 potential liability risk of the City, based on the following risk categories:

1       (1) Class I - Low Hazard involves no physical activity by participants and no severe  
2       exposure to spectators. Examples of events in this category include, but are not limited to,  
3       meetings, seminars, social gatherings, theatrical performances, and auctions.

4       (2) Class II - Moderate Hazard involves limited physical activity by participants and no  
5       severe exposure to spectators. Events in this category include, but are not limited to, amateur team  
6       sports , dances, animal shows, political rallies, flea markets, picnics, and parades with no floats.

7       (3) Class III - High Hazard involves major participation by participants and/or moderate  
8       exposure to spectators. Events in this category include, but are not limited to, parades with floats,  
9       marathons or races, circus/carnivals, and semi-pro team sporting events.

10       (4) Class IV - Severe Hazard involves severe exposure to spectator and/or participants.  
11       Examples of events in this category include, but are not limited to, rock concerts, alcoholic  
12       beverage sales, vehicle races, fireworks, ice skating events, professional or collegiate sporting  
13       events.

14       (E) As a result of the review of the event by the Police Department, the Law Department may  
15       place special conditions on the event. The Police Department has the authority to cancel or stop an  
16       event if the special conditions required for approval of the event are not being met. In addition, the  
17       Police Department and City public safety officials have the authority to cancel or stop an event, or  
18       place additional restrictions on the event, if it is deemed that the public health, safety or welfare  
19       would be better served with additional restrictions.

1 **Sec. 50-10-7 Billings for special events.**

2 Special event billings shall be itemized and provided to event sponsor in advance of the event.

3 **Sec. 50-1--8 Payment of fees.**

4 All payment of fees must be submitted to the City Treasurer's Office in advance of the event and  
5 within the time period set forth by the Chief of Police. If payment in full is not received prior to the  
6 event as required, the City reserves the right to withhold all public services relating to the event and  
7 deny the application. Fees shall be charged for City services provided to special events as indicated  
8 on the rate sheet, but specifically as follows:

9 (A) Hourly rate shall be the hourly cost for any employee working on a special event as  
10 established by City Administration. Hourly rate shall include expenses related to the employee  
11 including fringe benefits and overhead.

12 (B) Overtime shall be the hourly cost for any employee working on a special event during a  
13 time period that would be considered overtime for City payroll records, including the actual cost  
14 for fringe benefits.

15 (C) Purchased or rented materials shall include all direct costs for all materials purchased or  
16 rented by the City for use at the event. An administrative fee of three percent (3%) shall be added  
17 to all purchased or rented materials to cover costs related to order processing and vendor payment.

18 (D) Equipment rental charges shall be the current equipment rental rates charged by the City.

19 **Sec. 50-10-9 City of Detroit reservation of rights.**



1 The City reserves the right to require that certain facilities and/or services be provided in  
2 support of event activities, including trash dumpsters, portable toilets, fencing, security personnel,  
3 traffic barricades and trash barrels. The cost for providing these services is the responsibility of the  
4 event sponsor. The City reserves the right to assess damage and litter deposits for events. These  
5 deposits are non-refundable if City property is damaged or litter is not collected and removed.

6 **Sec. 50-10-10 Sale and/or consumption of alcoholic beverages.**

7 (A) If an event sponsor intends to serve and/or sell alcoholic beverages, the event sponsor is  
8 required to comply with all regulations set forth by the Michigan Liquor Control Commission, all  
9 local ordinances and requires approval from City Council.

10 (B) Special alcohol license application must be completely filled out and submitted with the  
11 special event application.

12 **Sec. 50-50-11 Cancellation of events.**

13 (A) The City reserves the right to deny services for special events if the event sponsor fails to  
14 pay the required fees and submit the required certificate of insurance.

15 (B) In the event the event sponsor cancels the event at any time after the application is  
16 received and the non-refundable application fee is paid, the City will bill the event sponsor for any  
17 City services utilized prior to cancellation of the event. Further, if the event sponsor cancels within  
18 two (2) weeks of the scheduled date of the event, the event sponsor will be responsible to pay the  
19 full amount of the facility fee.

20 **Sec. 50-10-12 Denial of future events.**

1 Event sponsors that do not pay the required fees, submit the required insurance, or violate the  
2 chapter in any manner will be denied future applications.

3 **Sec. 50-10-13 Approval of events.**

4 Certain events require the approval of City Council such as the Fourth of July fireworks and any  
5 events sponsored or co-sponsored by the City.

6 **Sec. 50-10-14 Use of city-owned parks and plazas.**

7 Requests for use of certain City-owned parks and plazas shall be made in the same manner as all  
8 other special events. In regard to the use of neighborhood parks, every effort will be made to  
9 inform and seek approval of the request by the affected neighborhood association.

10 **Sec. 50-10-15 Traffic control and safety requirements.**

11 (A) The special event sponsor shall be responsible for complying with all traffic control and  
12 safety procedures required by the City during the event. The City may make additional  
13 requirements during the event as may be necessary for the safety of the public. All special events  
14 that include participants soliciting funds in street intersections shall comply with the safety  
15 requirements and use of traffic cones as specified by City Traffic and Engineering Division of the  
16 Department of Public Works.

17 (B) It should be noted that the City does not recommend solicitations of any kind in the street.  
18 The City accepts no responsibility or liability for the safety of persons who may against the  
19 recommendation of the City make solicitations in the streets.

1 (C) The City has NO authority to grant a permit for solicitations on any County of Wayne or  
2 State of Michigan highway.

3 **Sec. 50-10-16 Vendor insurance and license requirements.**

4 An event that is serving food must have all food vendors approved by the Detroit Department of  
5 Health and Wellness. All food vendors must post a valid temporary food license as authorized by  
6 the Detroit Department of Health and Wellness. Food vendors are responsible for any and all fees  
7 related to obtaining a food license. Food vendors are required to comply with all Detroit  
8 Department of Health and Wellness rules and regulations for temporary food license facilities.

9 **Sec. 50-10-17 Two or more applications for the same event date.**

10 (A) In the event that two (2) or more special event applications are received for the same date  
11 and time prior to the approval of either event, the date and time that the City received the paid  
12 application fee shall determine the order of preference. Once a special event permit has been  
13 granted, the Police Department reserves the right to not award further permits for the same date,  
14 time and general location.

15 (B) In the event that two (2) or more special event applications are received at the same time  
16 for the same date and time, the City Administration shall attempt to resolve date and time conflicts  
17 with the sponsors of each application.

18 **Sec. 50-10-18 Reservation of annual event dates.**

19 If an event is intended to be an annual event on regularly scheduled dates, or a series of  
20 events (Example, sporting games), the current year's application may include the following year's

1 requested dates. Approval of the current year's application will include reservation of the next  
2 year's proposed dates. However, it will not constitute approval of next year's event, which must  
3 have its own timely application submitted for City approval. In general, the City will not approve  
4 special event dates more than one year in advance.

5 **Sec. 50-10-19 Written confirmation of city approval.**

6 Upon approval of the special event application, a written confirmation as to the action of the  
7 Police Department will be forwarded to the individual or organization requesting the event. This  
8 confirmation will outline any special conditions that must be met if the event is to be held. The City  
9 event application form must be completed for all special events that take place on public lands or  
10 lands that are controlled by the City.

11 **Sec. 50-10-20. Severability**

12 If any court of competent jurisdiction declares any clause, phrase, section or word of this  
13 Article invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any of the  
14 remaining clauses, paragraphs, phrases sections, sentences or words of this Article.

15 Section 2 This ordinance is hereby declared necessary to preserve the public peace,  
16 health, safety, and welfare of the people of the City of Detroit.

17 Section 3. All ordinance or parts of ordinances, or resolutions, in conflict herewith be  
18 and the same are hereby repealed.

19 Section 4. In the event that this ordinance is approved by a two-thirds majority of city  
20 council members serving, it shall be given immediate effect and shall become effective upon  
21 publication in accordance with Section 4-116 of the 1997 Detroit City Charter. Otherwise, this

1 ordinance shall become effective on the thirtieth (30<sup>th</sup>) day after enactment in accordance with  
2 section 4-115 of the 1997 Detroit City Charter.

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5 Approved as to form:

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8 John Johnson, Corporation Counsel

9 Law Department